

UNIVERSITY OF CALIFORNIA, BERKELEY

BERKELEY • DAVIS • IRVINE • LOS ANGELES • MERCED • RIVERSIDE • SAN DIEGO • SAN FRANCISCO



SANTA BARBARA • SANTA CRUZ

COLLEGE OF NATURAL RESOURCES
CENTER FOR FORESTRY, DEAN'S OFFICE
SIERRA NEVADA ADAPTIVE MANAGEMENT PROJECT
P O BOX 350
BASS LAKE, CA 93604

TELEPHONE 701-740-5787
EMAIL rasweitzer@berkeley.edu

April 24, 2013

Dear Dr. Battles,

I have received and reviewed the report on the investigation of complaints made against me under the UC Whistleblower Program. Notwithstanding the reality that most of the "Whistleblower" complaints were actually solicited and compiled during a series of six pre-scheduled monthly contacts made by a representative of CNR Human Resources from January to June 2012, I approached the investigation under the belief that most if not all of the general and specific complaints against me would be cleared by an open and honest discussion of how I managed the research operation from the field office near Bass Lake, California. Unfortunately, this was not the case and I now know that a good number of the "he said, she said" allegations were considered "more likely than not" to have occurred. The report included a large number of allegations I was never directly queried on during three lengthy interviews in fall 2012, including one from a staff person who claimed I berated her for leaving an area threatened by an advancing forest fire.

[REDACTED]

Although I continue to dispute the veracity of many of the complaints and fail to understand why many of them weren't brought to my attention 3-4 years previous to May 2012, I do not dispute that equipment and multiple project vehicles (trucks, ATVs, snowmobiles) suffered significant wear and tear from 4-5 years of continuous use in the mountainous study area accessed by minimum maintenance dirt and 4WD roads and trails. The maintenance and repair issues and the fact that we were doing basic repairs and services on site to save project funds was well known to CNR SNAMP after summer 2009, including 1 week into the investigation on May 10, 2012 when I was admonished during the monthly SNAMP UCST Conference call to reduce Fisher expenditures "to come into line with available funding." The budget reductions absorbed by the project were real and consequential, even while there was pressure to develop and maintain a worldclass research effort worthy of UC Berkeley. During my time with CNR SNAMP Fisher from September 2007 to June 2013, I believe I succeeded on that score despite the serious logistical and budgetary challenges encountered when unprecedented UC wide funding contractions associated with record state budget deficits and a nationwide recession resulted in limited administrative support for the off campus research effort 200 miles removed from Giannini and Mulford Hall down on the Sierra National Forest. Furloughs, layoffs, hiring and salary freezes, and major college-level and system-wide restructuring starting in 2008 (extending into 2012) caused confusion and disruption, while contributing to a sense of despair that extended into the Fisher Field office and staff when COLAs were canceled, and raises were not possible.

Despite the claims by several complainants, safety and concern for the well being of the Fisher Project staff was always my highest priority. On my watch from October

2007 to June 2012 there was not a single instance when equipment failure, accident, forest fire, heat illness, deep snow or trucks/ATVs mired in snow, winter storms, black bear, mountain lion, or feral dog attacks resulted in moderate/serious injury, or overnight bivouac/abandonment of any staff person in the field. Nevertheless, I acknowledge that my work expectations for the [REDACTED] staff were high, which contributed to several of the individuals finding me difficult to work for as a supervisor, as well as to the perception that working more than 40hrs/week was encouraged even though there was a written project policy stating otherwise. In my original and lengthy written response to the complaints sent to Dean Feldman in late May 2012, I was honest and forthright and accepted full responsibility for my failings when I knew I was culpable. This includes that I voluntarily reported my consensual relationship with [REDACTED] [REDACTED] to my direct supervisor Reginald Barrett in summer 2010, fully acknowledged and openly discussed the nature of that relationship with both SNAMP Academic Coordinator Ann Huber and CNR Human Resources Manager Robin Scott in spring 2011, and relinquished my supervisory authority for SNAMP Fisher Staff when I was directed to do so by Dean Gilless in November 2011. The result was a Conflict of Interest Plan that provided all current and several former disgruntled staff the opportunity to develop and lodge more and more complaints against me during monthly phone calls with SNAMP Academic Coordinator and Title IX Compliance Liaison Peter Hopkinson starting in January 2012. The work environment at the Fisher Field Station became increasingly toxic after late January, culminating in an informal CNR investigation in May 2012, and my removal from the Field Office coincident with initiation of the formal investigation on June 13, 2012.

I have been 100% cooperative with all aspects of the informal and then formal investigation from when I first became aware of it by email from CNR Human Resources Manager Robin Scott in late April 2012. As noted above, the difficult situation I encountered actually started in January 2012, in the middle of the most successful "Population Year" to date for the SNAMP Fisher Project, at least from a field research productivity perspective. The ensuing 16 months have been extremely challenging to me both professionally and emotionally, while contributing to significant deterioration in my personal health. Further, and of great importance to me as a wildlife professional who was fully committed to the success of the study from the very start, the investigation has caused significant disruption to the important research that is the real focus of the Sierra Nevada Adaptive Management Project. Given these facts and the findings outlined from the investigation report, I feel it is best for all involved that I resign the remaining term of my appointment as Project Scientist for the Sierra Nevada Adaptive Mgt Fisher Project effective Friday, May 3, 2013.

Thank you for this consideration as I closeout my time with the CNR UC Berkeley Sierra Nevada Adaptive Management Fisher Project.

Sincerely,



Rick A. Sweitzer
Adjunct Associate Professor/Project Scientist

cc: Keith J. Gilless, Dean
College of Natural Resources, UC Berkeley

Micha Star Liberty, Legal Counsel
Liberty Law, Oakland, CA